

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KEVIN HALE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-1377-L
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

ORDER

Plaintiff Kevin Hale applied for insurance benefits and supplemental security income based on an alleged disability. These applications were denied, and the Appeals Council remanded the matter. On remand, his applications were again denied by the Social Security Administration. Plaintiff brought this action for judicial review of the decision. On July 24, 2012, Magistrate Judge Robert E. Bacharach entered his Report and Recommendation in this matter, recommending that the court should reverse the agency decision and remand for an award of benefits. In recommending an award of benefits in this case, the Magistrate Judge noted that the "agency has already remanded once to obtain an explanation by the administrative law judge regarding Dr. Vaidya's multitude of opinions about the limitations in Mr. Hale's mental abilities" and that a "second remand for the same purpose would contribute even greater delay to Mr. Hale's

wait of over six years to obtain a legally supportable determination about how the agency had satisfied its burden of proof regarding an ability to work.” Report and Recommendation, Doc. No. 24, pp. 17-18 (footnote omitted).

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limit allowed. Therefore, there has been no objection made to Judge Bacharach's findings that the administrative law judge committed legal error in the consideration of Dr. Vaidya's opinion and that, for that error, the court should order reversal and remand for an award of benefits in this case. Given the procedural history of Mr. Hale's case, and upon *de novo* review of the matter, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, **the decision of the Commissioner is reversed and the case is remanded to the Commissioner with the direction that an award of benefits should be made to Mr. Hale in accordance with the July 24, 2012 Report and Recommendation of the Magistrate Judge.**

It is so ordered this 16th day of August, 2012.



TIM LEONARD
United States District Judge